

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

JOSEPH BURPEE, #02386823,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Case No. 6:25-cv-31-JDK-JDL
	§	
EAST TEXAS TREATMENT	§	
FACILITY, et al.,	§	
	§	
Defendants.	§	

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Joseph Burpee, a prisoner confined within the Texas prison system proceeding pro se, filed this lawsuit against Defendants pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge John D. Love for findings of fact, conclusions of law, and recommendations for disposition of the action.

On February 3, 2025, Judge Love issued a Report recommending that Plaintiff's complaint be dismissed with prejudice for the purposes of proceeding *in forma pauperis* pursuant to 28 U.S.C. § 1915(g) because Plaintiff has accumulated at least three strikes under the Prison Litigation Reform Act and failed to show imminent danger of serious bodily harm. Docket No. 5. The Report further recommended that if Plaintiff pays the full filing fee of \$405.00 within fifteen days of the date of the order of dismissal, the lawsuit will proceed as though the full filing fee was paid from the outset.

A copy of the Report was sent to Plaintiff; and Plaintiff acknowledged receipt on February 12, 2025. Docket No. 6. However, Plaintiff did not file objections.

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, Plaintiff did not file any objections. The Court therefore reviews the Magistrate Judge’s findings for clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (holding that, if no objections to a Magistrate Judge’s Report are filed, the standard of review is “clearly erroneous, abuse of discretion and contrary to law”).

Having reviewed the Magistrate Judge’s Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 5) as the findings of this Court. It is therefore **ORDERED** that this case is **DISMISSED** with prejudice for purposes of proceeding *in forma pauperis*. If Plaintiff pays the full filing fee of \$405.00 within

fifteen days of this Order, the lawsuit will proceed as though the full filing fee was paid from the outset. Any motions pending in this case are **DENIED as moot**.

So **ORDERED** and **SIGNED** this **17th** day of **March, 2025**.

A handwritten signature in black ink, appearing to read "Jeremy D. Kernodle", is written over a horizontal line.

JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE